

**Prepared statement of**

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**Regarding the Agency for Toxic Substances and Disease Registry (ATSDR)  
Before the U.S. House of Representatives, Committee on Science and Technology,  
Subcommittee on Investigations and Oversight**

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Thank you for your invitation to speak with the Committee regarding ATSDR.

I am retired from the government and the Army Reserves and I am an Associate Professor for Central Michigan University. I hold a Journalism degree, a Juris Doctorate, and a Masters of Science in Administration in Health Services.

I acknowledge the quality science products developed by the professionals within ATSDR who serve the public well in developing toxicological profiles, health education, health studies, emergency response, and public health assessments. However, as my testimony describes, there are serious problems with, and within the agency.

After serving as the Regional Ombudsman and in enforcement and public affairs roles for 23.5 years with the Environmental Protection Agency, I became the ATSDR Ombudsman. I was selected to build a neutral force to serve the public in their need to be heard.

In 1999, citizens in Tarpon Springs, Florida, asked me to review whether an appropriate health assessment had been conducted at the Stauffer Chemical Company site. The assessment found the site to be a public health hazard. The company and community were so hardened in their stance that there was no way to find mutual grounds of agreement.

After a year of investigating, I published a 196 page report, gathering evidence which the company, the state and ATSDR had never seen. I found that public health had not been properly studied, and the use of asbestos in vast amounts had not been considered. After my report was issued, ATSDR moved quickly to review the health of the former workers and community,

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finding and a spike of mesothelioma in women who lived near the plant and that worker health was likely compromised.

The report is used to point out some of the many issues at ATSDR. ATSDR was a wonderful idea, a group of scientists who were independent of EPA to look at the public health around hazardous waste and other kinds of hazardous substance release sites. However, the Agency was never fully staffed or funded and was administratively tethered to the Centers for Disease Control and Prevention, yoking two agencies with very different missions.

The state's ability to dictate to the agency was detrimental to the assessment of public health. I questioned the author of the original Stauffer Site Public Health Assessment, a state employee, who produced the report pursuant to a cooperative agreement. He drafted the report to meet the requirements for the state to be paid, without looking into the details. He was busy on another site with public and press interest.

In gathering materials for the Stauffer report, I asked the state for information regarding former employees. Although the public had provided me the data, upon advice of the Florida General Counsel, the state would not. I asked if ATSDR had authority to issue letters commanding production of information under section 104(e) of the Superfund legislation. No one knew the answer. The CDC General Counsel's office advised that the authority did exist and that a presentation had been made in 1989 regarding the tool.

A 104(e) policy was drafted, went to the CDC General Counsel for review and died because "ATSDR is not an enforcement agency." With no policy, the agency remains unprepared to command the production of data needed to properly assess the public's health.

ATSDR is a dichotomy. In one world is the well-run Divisions of Health Studies, of Toxicology and Education, about which I seldom heard citizen's complaints. Then there was the Division of Health Assessment and Consultation, or DHAC, the largest portion of the

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agency, a 'fiefdom,' managed with an iron fist. Talented, dedicated professionals in DHAC were not to listen to the public and could not get products to completion.

DHAC leadership delayed completion of Health Assessments until they were worded the way leadership felt things "should be," not as the facts were. The Division's science officer sought to develop new science to be applied by the assessors, ignoring established levels of the Division of Toxicology and other science agencies. One Division leader became concerned about this delay and developed a spread sheet to analyze the number of days taken to complete a health assessment, an average of more than 400 days.

DHAC employees informed me of the large number of Health Assessments developed at the beginning stages of the Agency. The Public's health at this large number of sites was assessed by the application of basic template and documents called interim or temporary assessments. Most temporary documents have never been revisited or simply received a new, permanent cover.

DHAC Leadership presented a beautiful picture to the agency executives but the public revealed a different story. This conflict led executives to develop an Ombudsman program as a mechanism to provide the public a voice and a hearing.

The Stauffer report highlights an effective Ombudsman program. The public had a neutral person to call to hear their complaints. By the end of FY 05, public complaints to the ombudsman had dropped as the agency had begun to include the public in the decision making process. This favorable report soon ended as the program ceased to exist.

If Congress wishes to impact the health of persons living at or near hazardous waste sites, reorganize ATSDR. My suggestions are:

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- Legislate a merger for ATSDR and the National Center for Environmental Health, or dictate the separation of the two entities.

- Make the agency independent of CDC.

- Dictate the establishment of permanent, independent Ombudsman offices for CDC and ATSDR, and

- Restrict the use of cooperative agreements with states as a tool to hire contractor and dictate the recovery of funding not properly earned.

This concludes my remarks. Thank you for your time and consideration of the public and the professionals at ATSDR. I would be happy to answer your questions.